

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO. 4489 of 2007

DATE OF DECISION: 23.03.2007

S.S. Chahal

....Petitioner.

Versus

Food Corporation of India and others

...Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. H.C. Arora, Advocate
for the petitioner.

J.S. Khehar, J.(oral)

The petitioner, who is holding the post of Manager (Depot) in the Food Corporation of India, was issued a charge sheet dated 6.9.2005. The petitioner submitted a reply thereto. However, the punishing authority, presumably, on account of having found the same to be unsatisfactory, directed the holding of a regular departmental enquiry. For conducting the aforesaid departmental enquiry, the punishing authority appointed Mr. R.S. Chadha, retired General Manager, as the Inquiry Officer. The petitioner represented to the Inquiry Officer, during the course of the enquiry proceedings, stating that he could not have been appointed as an Inquiry Officer, in terms of the provisions of the Food Corporation of India (Staff) Regulations read with the Food Corporation of India – Office Manual (Volume I).

It is not a matter of dispute that the departmental enquiry has been concluded and the Inquiry Officer has submitted his report, copy whereof has been furnished to the petitioner by the competent authority, so as to enable him to make his representation. The petitioner is also stated to have made his representation in response thereto, wherein he has pointedly raised the issue of the competence of respondent No.3 Shri R.S. Chadha to hold the departmental enquiry as Inquiry officer.

The petitioner has approached this Court before any decision has been taken against him by the punishing authority, on the basis of the enquiry report submitted by the Inquiry Officer. It is apparent, that the action of the petitioner in approaching this Court, at this juncture, is clearly unjustified. Be that as it may, it seems, that the petitioner has approached this Court, at the present juncture, under the fear that the aforestated objection in respect of the jurisdiction of Shri R.S. Chadha – respondent No.3 to conduct the departmental enquiry against the petitioner as Inquiry Officer, would not be adjudicated upon. Although, as noticed hereinabove, the action of the petitioner in approaching this Court is unjustified, we are satisfied, that the punishing authority, while adjudicating upon the matter in response to the enquiry report submitted to him, is required to take into consideration all objections raised by the petitioner, including the objection referred to hereinabove.

Accordingly, while disposing of the instant writ petition, we consider it just and appropriate to direct the punishing authority to pass a well reasoned speaking order, by taking into consideration all objections raised by the petitioner in response to the enquiry report, including the

objection in respect of the jurisdiction of Shri R.S. Chadha to hold the departmental enquiry as Inquiry Officer.

Disposed of accordingly.

(J.S. Khehar)
Judge

March 23, 2007.
vig

(S.D. Anand)
Judge